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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,504	03/10/2005	Matthew Aitkenhead	105SR-022	9943

7590 05/17/2007  
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EXAMINER
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SANDERS, JANIS C

ART UNIT	PAPER NUMBER
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1732

MAIL DATE	DELIVERY MODE
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05/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/527,504

Applicant(s)

AITKENHEAD, MATTHEW

Examiner

Janis Sanders

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16, 17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) 1-14, 16 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/10/2005 and 3/31/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

This office action is in response to the paper filed 12 February 2007.

### ***Election/Restrictions***

1. Applicant's election with traverse of Group II, claims 19-21, in the reply filed on 12 February 2007 is acknowledged. The traversal is on the ground(s) that the article and the method of its manufacture are not distinct because both recite the design and effect of a mat having adhesive properties on its surface. This is not found persuasive because the restriction requirement is a lack of unity following PCT Rules 13.1-13.3. They lack the same or corresponding special technical features for the following reasons: The common technical feature which links claims 1, 19, and new claim 23 is an anti-slip mat device, which is anticipated or obvious in view of Blum (US 2002/0068147). Blum discloses an advanced floor mat that includes a tacky surface (abstract). As such, the common features of the claim sets do not define a contribution over the prior art and do not meet the definition of "special technical feature." Burden of search is not a relevant consideration under PCT Rules.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-14, 16, 17, and 23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected mat device, there being no allowable

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generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 12 February 2007.

***Information Disclosure Statement***

3. An initialed and dated copies of Applicant's IDS form 1449 filed 10 March 2005 and 31 March 2006, are attached to the instant Office action.

***Claim Rejections - 35 USC § 112, second paragraph***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim <sup>5-21 are</sup> 20 ~~is~~ rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 20** recites the limitation "the plastics material is a polyurethane material with inherent low tack/medium tack properties". There is insufficient antecedent basis for this limitation in the claim. This limitation renders the claim unclear because the terms 'low tack' and 'medium tack' have not been associated with values of tack and can not be compared, rendering the scope of the claim unclear.

Regarding **claim 21**, the limitation " wherein a further component is placed in the mold, such component selected from the group consisting of an image, wire or other substantially non-elastic deformable material, sound producing components or a combination thereof" renders the claim indefinite. This language implies that the group can have members other than what is listed, without defining what the other members may be. Therefore the language is not clear as to the definition of the component. See MPEP § 2173.05(d).

Clarification and/or correction are required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonas in view of Hornsby.

Regarding **claim 19**, Jonas (US 5,053,274) teaches a method of molding solid polyurethane for multiple applications, structures, and decorative products. The mold

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may be of any design, shape, or material (col.14, lines 7-9). Further, the article thereof may be blended from individual entities or from one resin (col.6, lines 17-19). The resin may be cast into a flexible or rigid mold and gelled into a shape of any configuration, texture and color for indoor or outdoor application, and it may achieve its final cure in or out of the mold (col.6, lines 19-23).

The difference between the reference and the claims is that the reference does not disclose forming a point of sale packaging for the mat device.

Hornsby et al (US 6,409,019) teaches a method of three-dimensional packaging. In the process or method of making a package the front panel typically begins as a generally flat sheet of material, for example, a clear polymeric material (col.4, lines 54-57). The sheet is placed over a mold, and pulled or pushed against the mold's surface (col.4, lines 59-62). For display purposes at a point of sale, the package may be configured to stand on a shelf, hang from a rack or be stacked (col.3, lines 59-61).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Jonas to include a point of sale packaging as taught by Hornsby et al. One of ordinary skill would have been motivated to do so to continue manufacturing of the mat device for preparation of store distribution. Because both references are concerned with the method of producing polymeric articles, one would have a reasonable expectation of success from the combination.

Regarding **claim 20**, Jonas teaches polyurethane (column 6, lines 13-15).

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonas in view of Hornsby as applied to claims 19 and 20 above, and further in view of Blum.

The teachings of Jonas, as modified by Hornsby, are applied as discussed above for claims 19 and 20.

**Claim 21** requires a method wherein a further component is placed in the mold, such component selected from the group consisting of an image, wire or other substantially non-elastic deformable material, sound producing components or a combination thereof. Blum et al discloses an advance floor mat. The floor mat may include customized graphics. Additionally, a sensor system may be included in the floor mat (abstract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Jonas in view of Hornsby et al. to include useful components to a mat used for securing as taught by Blum et al. One of ordinary skill would have been motivated to do so to add to the functionality of the mat device by adding components. Because all references are concerned with the molding of polymeric articles, one would have a reasonable expectation of success from the combination.

**Remarks**

9. No claim is allowed.

**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sturtevant et al(US 5,858,508), Ewald (US 5,599,617), Moffitt,Jr. (US 4,361,614), Kitamura et al (6,544,369), Calkins (6,022,617) and Blum (US 6,233,776) disclose polymer mat devices.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis Sanders whose telephone number is 571-272-7145. The examiner can normally be reached on M-Th and alternating Fridays 7:30-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Janis Sanders  
Patent Examiner  
Art Unit 1732

5/09/07

  
CHRISTINA JOHNSON  
SUPERVISORY PATENT EXAMINER  
5/14/07